

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:
RUFFUS FLAG

Debtor(s).

RUSSELL C. SIMON, Chapter 13 Trustee,

Plaintiff,

vs.

SICILEY PARKER

Defendant.

In Proceedings
Under Chapter 13

Bk. No.: 14-30275

Adv. No.:

TRUSTEE'S COMPLAINT TO RECOVER PREFERENTIAL TRANSFER

COMES NOW, RUSSELL C. SIMON, Chapter 13 Trustee, by and through his Staff Attorney, Tiffany M. Cornejo, and in support of his Complaint to Recover Preferential Transfer, states as follows:

JURISDICTION:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. Venue is properly in this Court pursuant to 28 U.S.C. § 1409.
3. This Complaint is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

PARTIES:

4. The Debtors sought relief under Title 11 of the United States Code, Chapter 13 on February 25, 2014.
5. The Defendant, **Siciley Parker**, is a party in interest and the recipient of the preferential transfer, and is named in this capacity, and may be served Summons and Complaint at 3623 Trendley Avenue, East Saint Louis, Illinois 62207.
6. Russell C. Simon is the Chapter 13 Trustee of the above-captioned bankruptcy proceeding, and commences this proceeding in this capacity.

PLAINTIFF'S CLAIM(S):

7. Included in paragraph 3(c) of her Statement of Financial Affairs, the Debtor list(s) transfer(s) made in the approximate amount of \$9,000.00 to Defendant.

8. That 11 U.S.C. § 547(b) provides:

The Trustee may avoid any transfer of an interest of the debtor in property –

- (1) to or for the benefit of a creditor;
- (2) for or on account of an antecedent debt owed by the debtor before such transfer was made;
- (3) made while the debtor was insolvent;
- (4) made –
 - (A) . . .
 - (B) between ninety days and one year before the date of the filing of the petition, if such creditor was an insider; and
- (5) that enables such creditor to receive more than such creditor would receive if—
 - (A) the case were a case under a Chapter 7 of this Title;
 - (B) the transfer had not been made; and
 - (C) such creditor received payment of such debt to the extent provided by the provisions of this Title.

9. The Trustee is informed and asserts that:

- a. Siciley Parker is a creditor;
- b. the transfer was made on account of an antecedent debt;
- c. the transfer was made while the debtor was insolvent;
- d. Siciley Parker is an insider, specifically the Debtor's sister;
- e. the transfer was made between ninety days and one year before the date of filing the petition; and
- f. the transfer enabled Siciley Parker to receive more than he would have if:
 - (a) the case were a case under a Chapter 7 of this Title;
 - (b) the transfer had not been made; and
 - (c) such creditor received payment of such debt to the extent provided by the provisions of this Title.

10. The Trustee seeks recover of the amount(s) transferred and the costs associated with the filing of this Complaint.

Wherefore, the Trustee prays this Court for Judgment in favor as to the averments stated above, inclusive of the costs of filing this Complaint and for all other relief this Court deems just and equitable.

DATED: November 19, 2014

Respectfully submitted,

/s/Tiffany M. Cornejo

TIFFANY M. CORNEJO, ARDC #6296136

RUSSELL C. SIMON, Trustee

Chapter 13 Trustee

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